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SKYWEST AIRLINES, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

SKYWEST PILOTS ALPA ORGANIZING
COMMITTEE, et al.,

Plaintiffs,

vs.

SKYWEST AIRLINES, INC.,

Defendant.

Case No. C-07-2688 CRB

**DEFENDANT SKYWEST AIRLINES,
INC.'S *EX PARTE* MOTION TO EXCEED
THE PAGE LIMITATIONS SET FORTH
IN LOCAL RULE 7-3(a)**

Date: TBD
Time: TBD
Place: Courtroom 8, 19th Floor
Action Filed: May 22, 2007

Preliminary Injunction Hearing: May 31, 2007

1 TO THE HONORABLE CHARLES A. BREYER:

2 Pursuant to Local Rule 7-11, Defendant SkyWest Airlines, Inc. "SkyWest" seeks an order
3 authorizing it to file an opposition in excess of the 25-page limit set forth by Local Rule 7-3(a).
4 Because this Motion deals solely with an administrative request, SkyWest respectfully submits that it
5 is appropriate for consideration on an ex parte basis.

6 **RELIEF REQUESTED**

7 With this motion, SkyWest seeks entry of an order permitting it to file an opposition that
8 exceeds the twenty-five page limit established by Local Rule 7-3(a) by five pages.¹

9 **BACKGROUND**

10 Plaintiff SkyWest Pilots ALPA Organizing Committee ("SkyWest Pilots OC") and the
11 Airline Pilots Association ("ALPA") have been attempting to organize Defendant SkyWest Airlines,
12 Inc. ("SkyWest") for the past year. Declaration of Jeffrey MacDonald in support of Temporary
13 Restraining Order and Preliminary Injunction, ¶ 4. On May 22, 2007, SkyWest Pilots OC – along
14 with various individual plaintiffs – filed this suit alleging that SkyWest unlawfully supports the
15 SkyWest Airline Pilots Association ("SAPA"), and that SkyWest interferes with their expressive
16 activity by discriminating against Plaintiffs on the basis of their support for ALPA. (Complaint, ¶¶
17 42-50.) That same day, Plaintiffs came to the Court *ex parte* with their Motion for a Temporary
18 Restraining Order, which the Court granted without the benefit of briefing from SkyWest.
19 Following a hearing on SkyWest's Motion to Dissolve, this Court set an expedited briefing schedule
20 requiring SkyWest to oppose Plaintiffs' Preliminary Injunction Motion, which raises a host of
21 threshold issues in addition to complex issues of labor law.

22 **ARGUMENT**

23 Local Rule 7-3(a) provides that motions shall not exceed twenty-five pages of text. This
24 page limit, however, can be enlarged at the Court's discretion. *See* Local Rule 7-11 (expressly
25 referencing "motions to exceed otherwise applicable page limitations"). SkyWest respectfully
26 requests that it be excused from Local Rule 7-3(a)'s page limitation.

27
28 ¹ The brief is 30 pages not counting the caption page, which was numbered inadvertently.

Plaintiffs ignore a number of complex issues of federal labor law under the Railway Labor Act ("RLA"), which must be addressed. These issues include: (1) whether the National Mediation Board ("NMB") has exclusive primary jurisdiction to hear this dispute under the RLA; (2) the appropriate standard for injunctive relief in the context of a labor dispute seeking a mandatory, not a prohibitory, injunction; (3) the nature of the relationship between the Skywest Airline Pilots Association ("SAPA") within the context of the RLA, the legal standards governing employer domination of a labor union and application of the law to the facts of this case; (5) the unprecedented nature of the relief plaintiffs have requested and why the harms tip in favor of SkyWest. Further, given that Plaintiffs were able to express their initial position to the Court *ex parte* without SkyWest having an opportunity to respond, in the interests of fairness, Local Rule 7-3(a)'s page limitation should be excused.

CONCLUSION

Given that SkyWest is at a disadvantage because of the surprise nature of the Temporary Restraining Order and the myriad issues Plaintiffs have not briefed but inform the outcome of the Preliminary Injunction Motion, SkyWest respectfully requests that the Court enter an order granting the relief requested herein, and such other and further relief as is just and proper.

Dated: May 29, 2007

WINSTON & STRAWN LLP

By: /s/ Robert Spagat
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SKYWEST AIRLINES, INC.